IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3410 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MUKESH MUKUNDRAI CHAKWAWALA

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioner

MR SAMIR J DAVE for Respondent No.1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/12/2000

ORAL JUDGEMENT

1. Shri Imtiyazkhan Gulabkhan Pathan, respondent No.2 is present in person. Both the petitioner and respondent No.2 are the advocates and they were called by this Court. They have settled their dispute.

2. Otherwise also, if we go by the two documents annexure `A' and `C' at page no.9 and the facts of this case, it appears to be a clear case of misunderstanding. It is not in dispute that Mr. Pathan and Mr. S.R. Gupta were working as associates of Mr. Chakwawala in latter's office. I fail to see even if the complainant's name is used in the office, how he would have suffered any loss or prejudice. Shri Pathan is present in the Court and he submits that this notice has been given without taking his prior consent by Shri Gupta. Even if it is taken to be correct, I fail to see how it will constitute any offence. They both, at the cost of repetition it is to be stated, are working as advocates as Chakwawala Associates and in case notice has to be given it can be given in the name of any advocate of the Associates and that is the case here also. It is not a matter where Mr. Pathan should have felt offended or hurt to the extent of going to file a complaint against his own colleague. After going through the contents of the complaint with the help of the counsel appearing for the parties, no case is made out for the offence under sections 467, 468 and 471 of I.P.C.. It seems to be a case of misunderstanding between the advocates of Chakwawala Associates.

3. In the result, this petition succeeds and the same is allowed and the Criminal Complaint being C.R. No.146/97 registered at the Kalupur Police Station is quashed and set aside. Rule is made absolute.

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